ERK'S OFFICE U.S. DIST. COURT AT ROANOKE, VA FILED

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

MAR 3 1 2010

DEPUTY

JAVIS E. HOLLAND,)
Plaintiff,) Case No. 7:10CV00086
v.)) <u>FINAL ORDER</u>
DIRECTOR OF HEALTH SERVICES, <u>ET</u> <u>AL</u> .,)) By: Glen E. Conrad) United States District Judge
Defendants.)

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

as follows:

- 1. Plaintiff's response to the conditional filing order (Dkt. No. 7) is **CONSTRUED** as a motion to amend, and that motion is **GRANTED** to add to the complaint additional allegations and to add Nurse Stephenson as a defendant;
- 2. The complaint as amended is **DISMISSED** without prejudice, pursuant to 28 U.S.C. § 1915A(b)(1) and § 1367(c) (as to any possible state law claims);
 - 3. Plaintiff's request for appointment of counsel is **DENIED**; and
 - 4. This action is stricken from the active docket of the court.

ENTER: This 30 day of March, 2010.

United States District Judge

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